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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LORENA FEE,
an individual,

Plaintiff,

vs.

MANAGEMENT & TRAINING
CORPORATION, a foreign corporation,

Defendant.

CASE NO. 3:12-cv-00302RCJ-VPC

OPPOSITION TO MOTION TO DISMISS
SECOND AMENDED COMPLAINT

Plaintiff, through her undersigned counsel submits her Opposition to Motion to Dismiss
Second Amended Complaint as follows:

The issue is whether Plaintiff has put Defendant on notice in a plausible way how it failed to accommodate. In this regard, Defendant argues that "it ignored the fifteen minute limitation on [sun and heat] exposure" does not meet the mark. The converse of the quoted language could be "failed to implement" as opposed to "ignored", for, if it "ignored" a request for accommodation, it at the same time failed to implement it, and thus failed to reasonably accommodate.

"Ignored" implies the existence of knowledge of something, in order to "ignore" it. Thus, Defendant knew of the requested accommodation and chose not to implement it.

Defendant argues that more specifics are needed as to the "how" it "ignored" the request for accommodation. For example, Defendant suggests that an allegation that it required Plaintiff to stand outside in the sun in the middle of the day for three hours would be

1 additional factual information that would render the claim plausible. But the plausibility
2 standard cannot be that ridiculous. At some point, the plausibility line is crossed and the
3 standard is satisfied, as it is in this instance.

4 Based upon the foregoing, the motion should be denied.

5 DATED this 27th day of November, 2012.

6 LAW OFFICE OF
7 JEFFREY A. DICKERSON

8 /S/ Jeffrey A. Dickerson
9 JEFFREY A. DICKERSON

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I, Jeffrey A. Dickerson, certify that on this 27TH day of November, 2012, I electronically filed the preceding document, pursuant to FRCP 12(b)(6) to be served on all parties to this action via the U.S. District Court's CM/ECF electronic filing system, as follows:

Dora V. Lane
Krystal J. Gallagher
HOLLAND & HART

/S/ Jeffrey A. Dickerson
Signature